

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HIV AND HEPATITIS POLICY
INSTITUTE et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES et al.,

Defendants.

Civil Action No. 22-2604 (JDB)

ORDER

Upon consideration of [13] plaintiffs' motion for summary judgment and [27] defendants' cross-motion for summary judgment, and the entire record herein, and for the reasons stated in the accompanying Memorandum Opinion issued on this date, it is hereby

ORDERED that [13] plaintiffs' motion for summary judgment is **GRANTED**; it is further

ORDERED that [27] defendants' cross-motion for summary judgment is **DENIED**; it is further

ORDERED that the HHS Notice of Benefit and Payment Parameters for 2021 is **VACATED** to the extent that it amends 42 C.F.R. § 156.130(h), see 85 Fed. Reg. 29164, 29261 (May 14, 2020), and that the matter is **REMANDED** to defendants for further consideration consistent with the Memorandum Opinion issued on this date; and it is further

ORDERED that [8] defendants' motion to dismiss is **DENIED** as moot.

SO ORDERED.

/s/
JOHN D. BATES
United States District Judge

Dated: September 29, 2023